



Where the licence granted differs from the licence which the applicant wanted, or where a licence is not granted, the applicant can require the Licensing Authority to give his reasons in writing. This is a familiar provision in Orders of this type, and is usually followed by some provision providing for an appeal by the aggrieved person. The Order, however, contains nothing of this nature, and the dissatisfied applicant has to be satisfied with studying the views of the Licensing Authority in writing without being able to do anything about it.

Licences may be revoked or suspended if any condition has been broken. Before this is done, however, the licensees are given an opportunity of knowing what is alleged against them and of being able to put in their defence. Where a licence is revoked or suspended, the unfortunate holder of the licence may again, if he wishes, enjoy the reasons for the decision in writing.

There are a number of other matters dealt with in the Order which will require careful study, including the fees to be paid and certain monthly returns which have to be made to the Licensing Authority.

Innocent-looking

Towards the end of the draft Order come two paragraphs which, upon the face of them, are innocent, but which actually may cause great difficulty. These state that a licence shall not be capable of being transferred or assigned, except in certain cases, and that nothing in the Order shall be treated as conferring upon the holder or any other person any right to the continuance of any benefits arising from the provisions of the Order, or any licence granted under it. This means that although an operator may have held a series of licences for many years, he has to prove afresh his right to a new licence when his existing one expires, and, in consequence, there is no safety for the operator, who may be met at the expiry of his licence with fresh opposition from one of the specified objectors.

The Order itself is, of course, at present only a draft. It may, and possibly will, be altered in material particulars before it is finally issued, and, in addition, the Secretary of State is permitted to make regulations for carrying out the purposes of the Order.

In the limits of a short article such as this it is not possible to set out all the terms of the Order, or to give a warning of all the difficulties which will be encountered in endeavouring to comply with it. No operator can safely make application for his licence without studying the Order very carefully and without preparing his evidence in great

detail. The operators of goods vehicles have, in many instances, found, to their cost, that to take the licensing provisions applying to them—which are so similar to those in this Order—as being a mere formality, was to be sadly disillusioned.

It will undoubtedly be very difficult to regain any ground lost upon the first application, or to obtain authorisation for anything omitted from the first application, or for which the proof tendered was insufficient.

There is another curious aspect of the Order, in that it apparently makes no provisions for a licensee to apply for the variation of the terms of his licence. Nor, apparently, is there any provision for the Licensing Authority to take steps to modify the licence if it sees cause to do so during its currency. For example, the Licensing Authority may attach to a licence a condition with respect to the places between which passengers or goods are to be carried. Once such a condition is put upon the licence it does not appear to be possible for either the Licensing Authority or the licensee to alter this in any way until the expiry of the licence. It is possible to conceive of the difficulty a licensee would be in if the aerodrome at his destination point became waterlogged or unusable, with another one available at a neighbouring town ten miles away. It would not, apparently, be legally possible for him, even with the consent of the Licensing Authority, to alter his destination to the new town, except by the somewhat laborious process of surrendering his licence for cancellation and applying for another one.

It is hoped that the operators of aircraft in this country will make themselves acquainted with this new burden of regulation which is put upon them, and before it is too late make representations to the proper quarter, if, as practical men, they feel that the burdens laid upon them are too heavy. Once the Order is issued in its final form there will be little prospect, except after a lapse of a considerable time, of getting any alteration made. Needless to say, anyone bold enough to ignore the Order can be suitably dealt with under a paragraph which provides for the prosecution of any person who acts in contravention of the Order or his licence.

Remembering that the Order, when it is issued, will bear such a strong resemblance to the Road Traffic and Road and Rail Traffic licensing procedure, it may be suggested that those who will be interested in the air equivalent should ask any operator of buses or lorries of their opinion of that procedure and give heed to the replies which they will receive.